

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Josephine Ogboye	Team: Team # 2	CCRB Case #: 200818368	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 12/20/2008 8:30 PM	Location of Incident: § 87(2)(b) 68th Precinct stationhouse, and Brooklyn Central Booking		Precinct: 68	18 Mo. SOL 6/20/2010	EO SOL 6/20/2010
Date/Time CV Reported Mon, 12/22/2008 3:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/22/2008 3:55 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Derek Sambolin	06906	943771	BKLN CT
2. POM Qamar Zaman	02965	942738	068 PCT
3. SGT Maureen Keag	00155	924007	068 PCT
4. Officers			068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Theus Davis	05210	940055	068 PCT
2. POM Hassan Gheith	07404	938557	068 PCT
3. POM Frank Cinolauro	29566	940008	068 PCT
4. SGT Edward Ryan	03745	907232	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Qamar Zaman	Discourtesy: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman spoke obscenely to § 87(2)(b) and § 87(2)(b)	
B.POM Qamar Zaman	Force: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman used physical force against § 87(2)(b)	
C.POM Qamar Zaman	Force: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman hit § 87(2)(b)'s head against a wall.	
D.POM Qamar Zaman	Force: On December 20, 2008, in the stairwell of § 87(2)(b) in Brooklyn, Officer Qamar Zaman tightly handcuffed § 87(2)(b)	
E. Officers	Abuse: On December 20, 2008, Officers refused to provide their names and/or shield numbers to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.SGT Maureen Keag	Discourtesy: On December 20, 2008, at the 68th Precinct stationhouse, Sgt. Maureen Keag spoke obscenely to § 87(2)(b) and § 87(2)(b)	
G.POM Derek Sambolin	Abuse: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin refused to provide his name and/or shield number to § 87(2)(b)	
H.POM Derek Sambolin	Discourtesy: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin spoke obscenely and/or rudely to § 87(2)(b)	
I.POM Derek Sambolin	Abuse: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin did not obtain medical treatment for § 87(2)(b)	

Synopsis

§ 87(2)(b) who did not witness this incident, filed this complaint on behalf of her two sons, § 87(2)(b) and § 87(2)(b) with the CCRB on December 22, 2008. § 87(2)(b) also filed part of his complaint with IAB on December 23, 2008 under IAB log #08-56968. On December 20, 2008, Officer Qamar Zaman, Officer Theus Davis, Officer Hassan Gheith and Officer Frank Cinolauro, responded to a 911 call regarding a domestic dispute at the § 87(2)(b)'s residence. During the interaction, Officer Zaman allegedly called § 87(2)(b) a “pussy,” a “scumbag,” a “wiseass,” and “stupid” (**allegation A**). § 87(2)(b) left the apartment at this time, and stayed on the stairwell where the officers encountered him on their way out of the building. § 87(2)(b) was crying, and Officer Zaman allegedly called him a “crying pussy” and told him to run along to his father (**within allegation A**). § 87(2)(b) replied, “Who the fuck are you to tell me?” He then went back into his apartment shortly after which the officers entered as well. Officer Zaman then approached him and allegedly pushed him onto the couch multiple times as § 87(2)(b) stood up in resistance. In the process of handcuffing § 87(2)(b) Officer Zaman allegedly punched him approximately three times around his side (**allegations B**). As the officers tried to handcuff § 87(2)(b) § 87(2)(b) protested verbally and purportedly tried to physically interfere by spitting on Officer Cinolauro and raising his fist above his shoulder level. § 87(2)(b) was subsequently handcuffed and in the process, Officer Zaman, who assisted in placing § 87(2)(b) in handcuffs, allegedly slammed his head against a wall (**allegation C**). While the brothers were being led downstairs, Officer Zaman allegedly retightened § 87(2)(b)'s handcuffs (**allegation D**). § 87(2)(b) requested the officers' information by shouting at the officers from the back of the patrol vehicle, which was parked approximately three car spaces from the front of his building and which had its windows rolled up. The officers were standing in front of the building, and in response to § 87(2)(b) shouting, Officer Davis walked over and told him to shut up (**allegation E**). Both brothers were transported to the stationhouse, where the desk sergeant, Sgt. Maureen Keag, allegedly told § 87(2)(b) to “shut the fuck up” when he questioned the reason for their arrests (**allegation F**). The brothers were processed and transported to Central Bookings where § 87(2)(b) was released before § 87(2)(b). While awaiting his release on December 22, 2008, § 87(2)(b) questioned why he was not released along with his brother and asked one of the officers for his name. The officer responded that his name was Officer “Bobo” (**allegation G**). § 87(2)(b) provided a physical description for the officer who was identified through investigation as Officer Derek Sambolin. Officer Sambolin also allegedly called § 87(2)(b) a “pussy” (**allegation H**) and refused to provide him medical treatment upon request (**allegation I**).

§ 87(2)(g)

This case was initially assigned to Inv. Michael Hubert. Upon his resignation, it was reassigned to the undersigned investigator on May 20, 2009.

Summary of Complaint

Civilian Statements

§ 87(2)(b) is a § 87(2)(b)-year-old, 5' 9" tall, 209-pound white male. § 87(2)(b) was interviewed at the CCRB on January 6, 2009 (encl.). On December 20, 2009, at approximately 8:00AM, § 87(2)(b) was at his home located at § 87(2)(b) in Brooklyn, along with his brother, § 87(2)(b) his father, § 87(2)(b) his cousin Yusef (undisclosed last name) and his uncle, § 87(2)(b).

§ 87(2)(b) called 911 regarding a dispute and two officers identified by § 87(2)(b) as Officer Qamar Zaman and Officer Davis responded. The dispute was resolved shortly afterwards, and the officers left.

Later in the evening, § 87(2)(b) called 911 again, alleging that § 87(2)(b) had broken his car window. Officer Qamar Zaman and Officer Theus Davis, along with two additional officers identified through investigation as Officer Hassan Gheith and Officer Frank Cinolauro responded. The officers went to investigate the broken window with § 87(2)(b) and returned to the apartment where they began to yell at § 87(2)(b). § 87(2)(b) left the apartment during this time because he was becoming upset and he suffers from anxiety. He went down one flight of stairs where he wept.

On their way out of the building, the officers encountered § 87(2)(b) on the stairs and PO Zaman called him a “crying pussy.” § 87(2)(b) responded, “What the fuck are you saying to me?” PO Zaman then told § 87(2)(b) to run to his father, and § 87(2)(b) responded, “Who the fuck are you to tell me?” § 87(2)(b) then ran back into the apartment and sat on the couch in the living room. PO Zaman entered the apartment and § 87(2)(b) stood up from the couch at this point. PO Zaman walked up to § 87(2)(b) and, using both hands, pushed § 87(2)(b) onto the couch. § 87(2)(b) stood up and PO Zaman, spreading his right hand against § 87(2)(b)’s throat, again pushed him onto the couch. § 87(2)(b) stood up for the third time and PO Zaman pushed him on the couch again. PO Zaman then turned § 87(2)(b) face-down and began attempting to handcuff him. § 87(2)(b)’s right arm was trapped under his body at this point and PO Zaman, who knelt on § 87(2)(b)’s back and grabbed his left arm, had difficulty in grabbing his right arm because of the way they were positioned. At least one other officer assisted PO Zaman at this point, but § 87(2)(b) could not recall which one of the officers it was. As the officers tried to place him in handcuffs, § 87(2)(b) felt at least three blows to his side. § 87(2)(b) heard § 87(2)(b) say, “Stop hitting my brother,” and § 87(2)(b) say, “That is not right.” During this struggle, § 87(2)(b) did not resist, but was trying to turn his body around in order to free his right arm from under his body. Once § 87(2)(b) was able to free his right arm, he willingly placed it behind his back and complied with the handcuffing. He sustained bruises to his arms and legs from the encounter.

PO Zaman led § 87(2)(b) out of the apartment, and on their way down the stairs, § 87(2)(b) told him that he was going to lose his job. In response, PO Zaman retightened § 87(2)(b)’s handcuffs. § 87(2)(b) then asked PO Zaman for his shield number and the names and shield numbers for the other officers, but PO Zaman ignored him. When they got to the last flight of stairs, he lifted § 87(2)(b)’s arms behind him causing him to fall forward. However, § 87(2)(b) did not fall to the ground but landed on his feet, and he did not sustain any injuries from the impact.

§ 87(2)(b) was placed in the back of a patrol vehicle which was positioned approximately three car-spaces away from the entrance of the building in front of which the officers were positioned. The windows to the car were rolled up and the doors were locked. From inside the vehicle, § 87(2)(b) was yelling at the officers, questioning why he was being arrested. He was also stating that he wanted their names and shield numbers. While he was yelling, PO Davis walked up to the vehicle and told him to shut up. § 87(2)(b) stated that he could hear the officers talking and saying things to the effect of, “Can you believe he asked for our badge numbers?” § 87(2)(b) also saw an ambulance arrive at the location, and one of the officers was treated on scene.

Upon arrival at the stationhouse, § 87(2)(b) became aware that he was being charged with assault. He asked PO Davis if this was true, but PO Davis ignored him, while the desk officer, identified as Sgt. Keag, told him to “shut the fuck up.” Moments after § 87(2)(b) and § 87(2)(b) were placed in the holding cell, § 87(2)(b) requested an ambulance because his wrist hurt as a result of the handcuffs being too tight. Also, § 87(2)(b) indicated to § 87(2)(b) that he was in pain and told § 87(2)(b) that the officers had slammed his head against the wall. An ambulance was called for the brothers and they were transported to § 87(2)(b). They were later transported to Central Booking, but § 87(2)(b) was arraigned and released a day before § 87(2)(b).

Results of Investigation

§ 87(2)(b) was interviewed at the CCRB on January 6, 2009 (encl.). § 87(2)(b) is a § 87(2)(b)-year-old, 5’ 8” tall, 206-pound white male with brown hair and brown eyes. § 87(2)(b) called IAB on December 23, 2008, from Central Booking, Brooklyn and provided a statement (encl.) to them regarding the incident at Central Booking, in Brooklyn. § 87(2)(g)

On December 20, 2008, early in the day, § 87(2)(b) and § 87(2)(b) had a dispute, which resulted in § 87(2)(b) calling the police. Two police officers identified as PO Qamar Zaman and PO Theus Davis responded and the issue was resolved. Later on, at approximately 8:00PM, § 87(2)(b) accused § 87(2)(b) of breaking his car window. Officers were called and four officers, who included Officer Zaman and PO Davis, responded to the scene. § 87(2)(b) identified the other two officers as PO Hassan Geith and PO Frank Cinolauro. PO Zaman was a 6ft tall, 200-pound Asian male with black hair. PO Gheith was a 5' 7" tall, 200-pound white male, possibly of Arabic descent, with black hair. PO Cinolauro was described as a white male, six feet tall, weighing 200 pounds, with blond hair and blue eyes. PO Davis was a 6ft tall, 185-pound white male of Arabic descent, with black hair.

After going downstairs to observe the damage with § 87(2)(b) the officers came back upstairs and told § 87(2)(b) that they accessed some cameras that overlook the street but they were not sure if the suspect was § 87(2)(b). PO Zaman then started to curse at § 87(2)(b) and his brother, § 87(2)(b). PO Zaman called § 87(2)(b) a "pussy" and a "scumbag" and told § 87(2)(b) to stop being a "wiseass." He also told him that he was "stupid" and "retarded." PO Davis also told § 87(2)(b) that he "wished he was 17, so he could beat § 87(2)(b) up." § 87(2)(b) left the apartment following this interaction, and the officers left the apartment as well.

Shortly after the police left, § 87(2)(b) ran back into the apartment and sat down on the couch. The officers followed and PO Zaman walked up to § 87(2)(b) who was now standing, and pushed § 87(2)(b)'s chest. § 87(2)(b) fell back onto the couch, stood back up and asked, "Why are you pushing me?" PO Zaman again pushed § 87(2)(b) in the same manner, and said, "Get down." § 87(2)(b) stood back up and stated, "You can't push me in my own house." PO Zaman said, "You know what? You are under arrest." PO Zaman then placed his open hand on § 87(2)(b)'s neck and pushed him. § 87(2)(b) fell to the rear, spun and landed on his front on the couch. PO Zaman then placed his knee on § 87(2)(b)'s back and punched § 87(2)(b) in the lower back twice with a closed fist. PO Gheith also attempted to aid PO Zaman by trying to handcuff § 87(2)(b). Both officers started to yell at § 87(2)(b) telling him to stop resisting by preventing them from cuffing one of his arms which appeared to be stuck under § 87(2)(b)'s body. PO Cinolauro stood near § 87(2)(b) but did not do anything or say anything at this time, while § 87(2)(b) yelled at the officers to stop hitting his brother. Their father, § 87(2)(b) told the officers that what they were doing was not right. Once § 87(2)(b) was handcuffed, PO Zaman approached § 87(2)(b) and told him that he was under arrest. § 87(2)(b) turned around and put his arms behind him. PO Zaman then put his forearm against the back of § 87(2)(b)'s head and slammed it into a wall. PO Zaman then placed § 87(2)(b) in handcuffs. § 87(2)(b) asked PO Zaman what he was being arrested for. PO Zaman told § 87(2)(b) that it was for spitting, and later explained it was for obstruction of governmental administration. Both § 87(2)(b) and § 87(2)(b) were led out of the apartment at the same time. PO Cinolauro led § 87(2)(b) who was in front of § 87(2)(b) out of the apartment. § 87(2)(b) was led out by PO Zaman, and they were transported to the stationhouse.

While they were at the front desk and being processed, § 87(2)(b) questioned the officers about their arrest and a female officer, identified as Sgt. Maureen Keag, working the desk told § 87(2)(b) to "shut the fuck up." § 87(2)(b) told his brother to shut up as well and they were led into the holding cell. While they were in the cell, PO Zaman stated something the effect of, "I should have burned you and put a bullet through you guys" to § 87(2)(b). PO Gheith came by the cell with an officer in a white uniform shirt and pointed at the two brothers. § 87(2)(b) observed that PO Gheith had a splint on his arm that § 87(2)(b) recognized as used for sprain wrists. § 87(2)(b) and § 87(2)(b) requested medical attention at this time, and an officer told them the Emergency Room was closed for the holidays. At approximately 3:00AM, an ambulance arrived and took them to § 87(2)(b). § 87(2)(b) was treated at the hospital for his shoulder which he had dislocated in the past and the arrest had exacerbated and was given some over the counter pain medication for his headache. Afterwards, the brothers were transported to Central Booking, where they remained together until the next day at about 4:00 PM, when § 87(2)(b) was arraigned and released.

After § 87(2)(b) was released, § 87(2)(b) asked an officer, who was identified through investigation as PO Derek Sambolin, what was going on and what his name was. PO Sambolin was described as a 5' 7" tall, 200-220-pound Hispanic male with short black hair, with two birthmarks on the face. PO Sambolin was working a group of six to seven cells with multiple prisoners. PO Sambolin told § 87(2)(b) that his name was Officer "Bobo," called § 87(2)(b) a "pussy" and told him to take the arrest like a man. § 87(2)(b) remained calm, but continued to inquire about his release and PO Sambolin reacted

by taking § 87(2)(b) out of the cell. PO Sambolin told § 87(2)(b) to shut up, placed him in handcuffs and put him in a separate solitary cell down the hall. PO Sambolin then threw § 87(2)(b) down on the bench, picked up the handset receiver of the payphone which was inside, and started to bang the phone holder with the receiver. PO Sambolin then grabbed § 87(2)(b) and began to shake him on the bench. § 87(2)(b) looked at PO Sambolin in shock and PO Sambolin said, "Don't make no phone calls and I do not want to hear your mouth" and left.

Approximately twenty minutes later, § 87(2)(b)'s arms began to feel numb. After an additional forty minutes passed, he informed a nearby officer of his need to use the restroom. That officer summoned PO Sambolin, who told § 87(2)(b) that he could just "piss on himself." § 87(2)(b) stated that this first request was to see if the officers would take his arms out of the cuffs so they would not be numb. After another half hour, § 87(2)(b) stated that he needed to use the restroom and PO Sambolin, who was again summoned, asked § 87(2)(b) if he had pissed on himself yet. After another twenty minutes, PO Sambolin approached and asked § 87(2)(b) if he was ready to see the judge. § 87(2)(b) stood up, felt nauseous, and requested to see a doctor. PO Sambolin informed him that he could either see the doctor or the judge, and § 87(2)(b) chose to see the doctor. PO Sambolin asked if he was sure, because the judge was going to see him in less than an hour. § 87(2)(b) then decided that to see the judge and figured that he would get medical treatment after he was released. He was then placed into the regular cells, where he observed prisoners being rotated out and new prisoners entering the holding cells. § 87(2)(b) then asked PO Sambolin when he was going to see the judge. He also began to feel very sick and believed he was going to vomit. § 87(2)(b) requested an ambulance as well as the ability to use the bathroom. PO Sambolin told him that he does not speak English and that § 87(2)(b) needed to "shut up." § 87(2)(b) used the cell's payphone and dialed 911. An officer entered and then hung the phone up. § 87(2)(b) was placed into a different cell where he again called 911. The 911 dispatcher ordered an ambulance for § 87(2)(b) and then transferred his call to IAB. As he was talking with IAB, an officer entered and hung up the phone. An ambulance arrived shortly and § 87(2)(b) was transported to the hospital.

On June 24, 2009, a photo array was conducted and there were nine single large photos of officers assigned to the Brooklyn Court Section on December 22, 2008, shown to § 87(2)(b). § 87(2)(b) selected photo #3 and noted that he was seventy percent sure that the officer photo, PO Sambolin, was the officer he encountered.

§ 87(2)(b) was interviewed at the CCRB on March 10, 2009. § 87(2)(b) is a 5' 9" tall, 180-pound white male with brown hair and eyes. On December 20, 2008 at approximately 9:30 PM, § 87(2)(b) was at his home at § 87(2)(b) in Brooklyn, with his brother § 87(2)(b), his unidentified nephew, and § 87(2)(b)'s two sons, § 87(2)(b) and § 87(2)(b). § 87(2)(b) acknowledged the fact that officers were called to his home in response to a family dispute.

The four officers who responded came in and spoke briefly with § 87(2)(b) and § 87(2)(b) about the incident with the car and then left. § 87(2)(b) asked § 87(2)(b) to go ask the officers to come back and talk to § 87(2)(b). § 87(2)(b) stated that he wanted to find out what happened, and have § 87(2)(b) held accountable if he was responsible for the broken window.

When the officers came back in, they sat § 87(2)(b) down in the living room and § 87(2)(b) looked on. PO Zaman, PO Davis and PO Gheith took turns talking with § 87(2)(b) and used language to the effect of "fuck this" and "shut the fuck up." All three officers talking to § 87(2)(b) were using profane language at the time. The officers also tried to trick § 87(2)(b) into admitting to perpetrating the crime when they told him they were going to check the cameras to see who broke the window. Finally the officers asked § 87(2)(b) if he wanted to press charges. § 87(2)(b) stated that he did not as it was § 87(2)(b) who wanted to be sure if § 87(2)(b) was responsible or not.

§ 87(2)(b) left the apartment as the officers spoke to § 87(2)(b) and informed his father later that he did so because he feared he would become upset if § 87(2)(b) was arrested. After the officers spoke with § 87(2)(b) they left the apartment. Within two to three minutes, § 87(2)(b) came rushing back into the apartment and stopped in front of the couch in the living room. The four officers followed behind him and PO Zaman, PO Davis, and PO Gheith approached § 87(2)(b) from behind. § 87(2)(b) said over his right shoulder, "You are just trying to get me angry. I don't understand what you want me to do, I wish there was a camera here." The three officers then pushed § 87(2)(b) onto the couch and placed him in handcuffs.

When § 87(2)(b) heard the commotion he came out to the living room and stood to the side, observing. § 87(2)(b) said to § 87(2)(b) "See, look at what happened. Your brother, who did

nothing, is now being arrested because of your mouth and attitude.” PO Cinolauro then approached § 87(2)(b) grabbed his wrist and said, “Turn around; you are under arrest.” PO Cinolauro pressed § 87(2)(b) against a closed door and placed him in handcuffs. § 87(2)(b) described the restraint of § 87(2)(b) as using force only to try and place handcuffs on him. § 87(2)(b) then asked PO Cinolauro what § 87(2)(b) was being arrested for, but received no answer. § 87(2)(b) remained in the apartment as the officers led his sons out. § 87(2)(b) followed the officers out and was told by the officers to ask § 87(2)(b) if he wanted to press charges but § 87(2)(b) declined.

§ 87(2)(b) who later went to the stationhouse, noted that all he wanted was to show the boys that the police followed the correct procedure and that this process is what happens to people who break the law.

§ 87(2)(b) was interviewed at the CCRB on March 31, 2009. § 87(2)(b) is a § 87(2)(b) e-year-old, 5’ 6” tall, 192-pound white male.

PO Zaman and PO Davis responded to § 87(2)(b)’s report about his broken windshield which he believed was caused by § 87(2)(b). Two additional officers identified as PO Hassan Gheith and PO Frank Cinolauro, also responded to the location. The officers told him that if he wanted to press charges, they would take § 87(2)(b) into custody. § 87(2)(b) declined and expressed only a desire to scare § 87(2)(b) and § 87(2)(b) into behaving properly. However, he did not want to have them go to jail or have a record for them.

Back in the apartment, the officers confronted § 87(2)(b) regarding the windshield. During their interaction, § 87(2)(b) became loud in his denials and accused § 87(2)(b) and § 87(2)(b) of lying to the police. PO Davis told § 87(2)(b) to, “Shut the fuck up,” twice in response. The officers told § 87(2)(b) that they had cameras overlooking where the car was parked and they were going to check them. After the initial part of this conversation which lasted about ten to fifteen minutes, § 87(2)(b) left the apartment and was shortly followed by PO Gheith and PO Cinolauro. § 87(2)(b) talked with PO Zaman and PO Davis for about five minutes when he observed § 87(2)(b) running back into the apartment followed by PO Gheith and PO Cinolauro.

PO Gheith and PO Cinolauro pushed § 87(2)(b) against a wall and placed him in handcuffs. PO Davis and PO Zaman were about to start in assisting in handcuffing § 87(2)(b) when § 87(2)(b) started screaming and cursing at the officers. PO Davis and PO Zaman then went over to § 87(2)(b) who was standing in the threshold of a hallway leading from the living room, and pushed him against a wall before placing handcuffs on him. While handcuffing § 87(2)(b) the officers did not punch or strike him, and while handcuffing § 87(2)(b) the officers did not slam him against the wall. The officers then escorted the brothers out of the apartment. § 87(2)(b) waited in the apartment and talked with § 87(2)(b) before going outside to see what was going on with the officers.

When § 87(2)(b) walked outside, he saw that § 87(2)(b) and § 87(2)(b) were already in the patrol cars. PO Gheith pulled § 87(2)(b) aside and mentioned that they had a problem with the boys on the stairs. A sergeant appeared on scene and § 87(2)(b) reiterated to the officers that he did not want the boys to be arrested and charged. § 87(2)(b) did not see anybody with any visible injuries and stated the interaction with the police was not a negative one. He did not see an ambulance arrive on scene. § 87(2)(b) stated that while he did not want the boys to have a record, the arrest experience was good for them as it made the two brothers behave better. § 87(2)(b) believed that the CCRB complaint was made in an effort on § 87(2)(b) and § 87(2)(b)’s mother’s behalf, in an attempt to bring suit against the city for monetary compensation.

Civilians Not Interviewed

One of § 87(2)(b)’s and § 87(2)(b)’s younger cousins was present during the incident. However, there has been conflicting statements regarding who this cousin was. § 87(2)(b) stated that it was his nephew, “§ 87(2)(b) who was involved in the earlier altercation, but § 87(2)(b) stated that it was, “§ 87(2)(b) § 87(2)(b)’s son. Both § 87(2)(b) and § 87(2)(b) also stated that “§ 87(2)(b) had left by the time the police responded for the second time. Also, § 87(2)(b) and § 87(2)(b) noted that multiple cousins and younger brothers were present. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The FDNY Sprint also noted that two EMT workers were present on scene during the incident. However, EMT § 87(2)(b) and EMT § 87(2)(b) were not interviewed because by all accounts, they arrived after the fact and did not treat § 87(2)(b) and § 87(2)(b).

Identification of Officers Interviewed

PO Qamar Zaman was identified by name during the initial interviews with § 87(2)(b) and § 87(2)(b). PO Theus Davis was assigned as PO Zaman's partner as noted in the roll call. PO Hassan Gheith and PO Frank Cinolauro were identified from the SPRINT report as well as the roll call as the officers assigned to respond to the 911 call as placed by § 87(2)(b). Sgt. Edward Ryan was identified by PO Hassan Gheith and PO Frank Cinolauro as the verifying supervisor for the arrest. Sgt. Maureen Keag was identified from the roll call as the assigned desk sergeant during the tour and matched the description as provided by § 87(2)(b) and § 87(2)(b). § 87(2)(b) noted that the officer at Central Booking had two birth marks on his face. A photo array was conducted and § 87(2)(b) identified PO Sambolin, who has two birth marks on his face, as the officer whom he encountered at Central Booking.

Officers Interviewed

PO Theus Davis was interviewed at the CCRB on March 20, 2009 (encl.). PO Davis is a § 87(2)(b)-year-old, 6ft tall, 190-pound black male with black hair and brown eyes. On December 20, 2008, PO Davis worked from 3:00 PM to 11:35 PM. He was assigned to patrol sectors D and G and was partnered with PO Qamar Zaman. They were dressed in uniform and assigned to a marked patrol car, 1643. Memo book entries regarding this incident are as follows: 1818- 52 (Dispute) Family at § 87(2)(b) 19:18hrs- 90F2 (domestic incident report: unfounded incident) Job 10065. 19:40hrs- Backed sector E at § 87(2)(b) 20:22hrs- two under, PO Zaman.

On December 20, 2008, at approximately 6:18 PM, PO Davis and PO Zaman responded to a report of a family dispute at § 87(2)(b) in Brooklyn. The initial dispute at 6:18 PM was for potentially two different reasons. First, a father, § 87(2)(b) was annoyed with two of his boys, § 87(2)(b) and § 87(2)(b) for their overall behavior and wanted it corrected. Second, an uncle, § 87(2)(b) had reported a broken car window and suspected that § 87(2)(b) was responsible. § 87(2)(b) also believed that they were responsible and that they were disrespectful towards their uncle – a behavior he wanted corrected. However, § 87(2)(b) did not want to press charges. As a result of the officers' interaction with the family, § 87(2)(b) became irate with § 87(2)(b). The officers stated to § 87(2)(b) and § 87(2)(b) "Why are you doing this to your father? Putting him through all this when he is trying to take care of you the best he can." § 87(2)(b) responded with a typical youthful male response to the effect of, "You don't know me, you don't know my life." As a result of § 87(2)(b)'s anger with his father, his overall size and apparent potential to physically harm his father, the officers suggested to § 87(2)(b) that he took a walk to calm down. § 87(2)(b) complied with the officers' suggestion and left the apartment.

§ 87(2)(b) left the apartment between 7:15PM and 7:20 PM at about the same time that PO Davis and PO Zaman left the scene and noted their final disposition regarding the domestic violence report as "unfounded." At 7:40 PM, PO Davis and PO Zaman returned to the same location, backing up another sector with PO Cinolauro and PO Gheith who had also been assigned to the job. During his initial narrative PO Davis stated that it was during this second time § 87(2)(b) was told to leave in order to calm down. Upon further questioning, PO Davis stated that § 87(2)(b) left during the first interaction, and did not return to the apartment until forty minutes later when the four officers were leaving from the second interaction. However, PO Davis noted that during this second interaction, when he observed § 87(2)(b) being present, § 87(2)(b) was upset because the officers were siding with § 87(2)(b). Upon further questioning, PO Davis noted that during the second interaction only § 87(2)(b) and § 87(2)(b) were present. The second call was a continuation of the first call regarding the damaged window on § 87(2)(b)'s vehicle.

PO Davis recalled that § 87(2)(b) did not want to press charges, and since the situation had calmed and there was no longer an ongoing dispute, the four officers left the apartment. On the stairwell, § 87(2)(b) was coming back from calming down and saw the officers leaving. § 87(2)(b) said to the

officers, “What are you guys doing here? It is ridiculous you had to come back here, my brother is right!” and “What the fuck are you doing here? Get out of here; you don’t need to be here.” As they passed by § 87(2)(b) none of the officers said anything to him. § 87(2)(b) walked back into the apartment and started screaming at his father, “Why did you call the police again?” As the door to the apartment was open and PO Davis believed a fight was going to ensue between § 87(2)(b) and his father, he walked back into the apartment to assess the situation. Inside, § 87(2)(b) said, “See, I can’t control these kids. This is what my son is doing. He thinks he runs this house.” § 87(2)(b) then began to argue with PO Gheith. PO Davis was standing approximately six to seven feet away. PO Davis observed § 87(2)(b) then lunge at PO Gheith while flailing his arms. PO Gheith attempted to place § 87(2)(b) in handcuffs to control the situation, but § 87(2)(b) resisted by striking PO Gheith in the wrist. When PO Davis saw that PO Gheith was struggling with § 87(2)(b) he grabbed the uncuffed wrist and helped put § 87(2)(b) face down on the couch and he was fully handcuffed. § 87(2)(b) was then picked up and sat down on the couch. PO Davis did not recall either himself or PO Gheith striking § 87(2)(b) with a closed fist as they handcuffed § 87(2)(b).

While § 87(2)(b) was being handcuffed, § 87(2)(b) started to yell uncontrollably, “What are you cuffing him for?” He also screamed in PO Cinolauro’s face. PO Cinolauro told § 87(2)(b) to calm down and instructed him to turn around and began to place him in handcuffs. PO Zaman went over to assist PO Cinolauro when § 87(2)(b) began to resist and refused to calm down. PO Davis could not provide further details as to how § 87(2)(b) was placed in handcuffs because at the time he was also assisting PO Gheith. PO Davis saw PO Cinolauro order § 87(2)(b) to turn around and was aware that PO Zaman needed to help PO Cinolauro. PO Davis did not observe PO Zaman slam § 87(2)(b) head into the wall. PO Davis also never heard § 87(2)(b) complain of having his head slammed into a wall after this point in the interaction.

PO Davis believed that PO Zaman escorted § 87(2)(b) outside. PO Davis was not sure if PO Gheith or PO Cinolauro escorted § 87(2)(b) out, but recalled that it was not him. On the way down the stairs, the two boys were making statements to the effect of, “This is bullshit, we shouldn’t be arrested. We are going to own you guys and this City.” The officers told the boys to do what they want but that they created the situation for themselves. PO Davis recalled that the officers tried to disengage from talking with the two boys at this time because they became more enraged the more the officers verbally engaged them. PO Davis did not recall PO Zaman re-tightening § 87(2)(b)’s handcuffs while escorting the boys outside.

Once they were outside, both of the boys were placed into PO Davis’s patrol car. The police remained on scene for about ten minutes before transporting the two boys to the stationhouse. PO Davis vaguely recalled an ambulance showing up to the scene of the incident as well as the stationhouse. He believed that the ambulance was called for PO Gheith but was not sure. During the ten-minute wait, PO Davis was on the sidewalk, about ten feet away from the patrol car. PO Davis did not recall if the patrol car’s windows were down and if the boys inside were saying anything.

At approximately 8:45 PM, the boys were transported back to the 68th Precinct stationhouse. § 87(2) and § 87(2)(b) were brought before the front desk, where Sgt. Maureen Keag was present. PO Davis recalled that himself, PO Zaman and PO Cinolauro were also standing there. Both § 87(2) and § 87(2)(b) started to yell at Sgt. Keag. Sgt. Keag told them that they were to be quiet and not yell at her. PO Davis and PO Zaman reinforced the sergeant’s orders and both told the boys to be quiet as well. PO Davis did not recall Sgt. Keag telling the boys to, “Shut the fuck up,” or using any other profanity. He did not recall PO Zaman saying anything to the effect of, “I should have burned you and put a bullet through you guys.” During his interaction with § 87(2) and § 87(2)(b) at the stationhouse, PO Davis did not recall them request medical attention.

PO Davis did not recall anyone asking for PO Zaman’s, PO Cinolauro’s or PO Gheith’s name or shield. He recalled that § 87(2)(b) had asked for his name and shield, to which he displayed it and stated, “Davis, 5210.” During the first interaction, PO Davis did not recall using non-directed profanity of a colloquial nature such as, “I know how the fuck things can be, etc.” PO Davis also did not recall PO Gheith threatening § 87(2)(b) with the use of physical force during the interaction. At approximately 10:30PM, PO Davis returned to patrol with PO Cinolauro while PO Zaman continued to process the arrests of § 87(2) and § 87(2)(b). Before going back to patrol, PO Davis saw PO Gheith at the stationhouse with a splint on his arm.

PO Qamar Zaman was interviewed at the CCRB on March 23, 2009. On December 20, 2008, PO Zaman worked a tour of duty from 4:00 PM to midnight with an overtime extension to 2:10 AM on

December 21, 2008. He was assigned to patrol sectors D and G, and was partnered with PO Davis. PO Zaman was assigned a marked patrol car, #1643. Memo book entries regarding this incident are as follows: 18:00hrs- Dispute at § 87(2)(b) 18:25hrs- sergeant visitation. 19:15hrs- Domestic incident report unfounded. 19:45hrs- Backing sector E for family dispute at § 87(2)(b) 20:22hrs- Two under arrest. One defendant grabbed PO Gheith's wrist. Second defendant jumped in and pushed arresting officer. § 87(2)(b) 2027- Transported back to stationhouse. 21:45hrs- Arrest number received. 22:30hrs- Fingerprints. 02:10hrs- End of tour.

On December 20, 2008, at approximately 6:00 PM, PO Zaman and PO Davis responded to § 87(2)(b) in Brooklyn for a dispute at that location. Upon arrival, they discovered § 87(2)(b) having an argument with his uncle, § 87(2)(b). The situation was resolved and both individuals promised to reconcile and stop fighting. At 7:45 PM, sector E, PO Gheith and PO Cinolauro, picked up a call at the same location involving the same individuals. PO Zaman and PO Davis responded as well since they were already familiar with the situation. When they arrived, § 87(2)(b) met them outside of the building and explained what had happened. § 87(2)(b) said after the officers left from the first incident, § 87(2)(b) told him that he was going to find a surprise later on his car. § 87(2)(b) discovered later that the window on his car was broken and called the officers.

The officers went upstairs with § 87(2)(b) and talked to § 87(2)(b) who denied breaking the car window. While the officers were in the apartment, § 87(2)(b)'s older brother, identified as § 87(2)(b) began to protest the officers' presence. § 87(2)(b) said, "You jerk offs are back again?" The officers responded to the effect of, "We are not here for you, don't interrupt us, we are here for § 87(2)(b)" § 87(2)(b) became more angered and left the apartment. Once § 87(2)(b) had departed, the officers talked with § 87(2)(b) and § 87(2)(b) about the car window. § 87(2)(b) continued to deny that he did it, but also appeared to be very angry with his uncle. PO Zaman observed that § 87(2)(b) was attempting to hold his anger in by the look on his face. PO Zaman did not recall § 87(2)(b) stating anything else except his denial of breaking the window. As § 87(2)(b) did not witness the act itself, and § 87(2)(b) denied doing it, the officers just took the report and said that § 87(2)(b) and § 87(2)(b) should not interact the rest of the evening to prevent further conflict. The conversation with § 87(2)(b) and § 87(2)(b) lasted approximately ten minutes and the officers left the apartment.

When the officers were out on the landing of the fourth floor, they observed § 87(2)(b) coming back up the stairs. § 87(2)(b) entered the apartment and slammed the door behind him. PO Zaman heard § 87(2)(b) inside the apartment scream, "Fucking guys, these jerk offs coming in here." PO Zaman stated that the officers then re-entered the apartment out of safety concerns for § 87(2)(b) and an additional § 87(2)(b)-year-old child who was also present in the apartment. PO Zaman observed § 87(2)(b) tensing his arms and making closed fists with his hands as though he was about to punch. PO Gheith ordered § 87(2)(b) to put his hands behind his back and went to go grab § 87(2)(b)'s wrist. § 87(2)(b) then grabbed PO Gheith's wrist and twisted it. PO Zaman attempted to assist PO Gheith by grabbing his arms and pulling them to the rear. As PO Zaman attempted to place § 87(2)(b) in handcuffs, § 87(2)(b) attempted to push PO Zaman to prevent him from doing so. PO Cinolauro and PO Davis then grabbed § 87(2)(b) and placed him in handcuffs. While attempting to place § 87(2)(b) in handcuffs, PO Zaman did not push him or see other officers do so. § 87(2)(b) resisted being placed in handcuffs, but PO Zaman did not strike him or place his knee into § 87(2)(b)'s back. § 87(2)(b) was not placed onto the floor and he was placed in handcuffs within ten to fifteen seconds. PO Zaman did not observe PO Davis or PO Cinolauro slam § 87(2)(b)'s head into the wall while handcuffing him. PO Zaman observed that § 87(2)(b) resisted being placed in handcuffs by flailing his arms and attempting to push PO Davis and PO Cinolauro. PO Zaman believed that § 87(2)(b) was being a physical danger to the officers as they tried to place him in handcuffs. PO Zaman estimated that it took approximately five to ten seconds to place § 87(2)(b) in handcuffs. PO Zaman did not recall either of the boys spitting at this time.

Once both § 87(2)(b) and § 87(2)(b) were placed in handcuffs and under control, PO Zaman escorted § 87(2)(b) out of the apartment and down the stairs. PO Zaman was not aware of who escorted § 87(2)(b) as he was behind them as they exited the building. While walking downstairs, PO Zaman did not hear either § 87(2)(b) or § 87(2)(b) complain of their handcuffs being too tight. PO Zaman did not re-tighten § 87(2)(b)'s handcuffs and did not see any other officers need to either. While walking down the stairs, neither § 87(2)(b) nor § 87(2)(b) appeared to be about to trip or fall down the stairs, and neither actually did trip or fall. PO Zaman also denied that he pulled § 87(2)(b)'s arms to the rear, forcing him forward.

While escorting them down the stairs, both boys made statements to the effect of, “You jerk offs, why are you doing this? You assholes.”

PO Zaman transported § 87(2)(b) to the stationhouse while § 87(2)(b) was transported by the other sector. At the precinct, the boys were brought before the front desk. PO Zaman did not recall who the assigned desk officer was, but confirmed that a blond female sergeant, identified as Sgt. Keag, does work in the precinct. No one talked at the front desk and PO Zaman did not hear anyone state, “Shut the fuck up.” Also, PO Zaman did not state, “I should have burned you and put a bullet through you,” or hear anyone else state anything to this effect. PO Zaman processed the arrest of § 87(2) and § 87(2)(b) § 87(2)(b) was charged with § 87(2)(b) § 87(2)(b) was charged with § 87(2)(b). PO Zaman did not recall seeing any injuries on the two boys. At about 1:00 AM, § 87(2)(b) requested medical attention for his shoulder and § 87(2)(b) requested medical attention for anxiety. PO Zaman did not observe signs of § 87(2)(b)s anxiety attack but stated that an ambulance was called for § 87(2) anyway due to his age. PO Zaman informed the desk personnel and an ambulance was called for. The ambulance which responded in about five minutes took the boys to § 87(2)(b) PO Zaman did not escort them over and did not see them after this point.

During their interaction, PO Zaman did not call anyone “stupid,” “retarded,” a “crying pussy,” or a “scumbag.” He also did not recall the boys asking for the names or shields of the officers. PO Zaman recalled that the two boys threatened the officers by stating that in two weeks, they were going to “have their jobs” and the officers will be flipping burgers.

PO Hassan Gheith was interviewed at the CCRB on April 6, 2009. PO Geith is a § 87(2)(b)-year-old, 5’ 7’ tall, 195-pound white male with black hair and brown eyes. On December 20, 2009, PO Gheith worked a tour of duty from 4:00 PM to 12:00 midnight and was assigned to sectors E and H. He was partnered with PO Cinolauro and was in uniform. PO Gheith was assigned a marked patrol car, number 2187. Memo book entries regarding this incident are as follows: 1940- 52F (Family Dispute) at § 87(2)(b) § 87(2)(b) 2020- Transported to § 87(2)(b)

PO Gheith’s statement regarding his and PO Cinolauro’s presence at § 87(2)(b) was consistent with that of PO Zaman and PO Davis. PO Zaman and PO Davis responded as back up to the location. There was a family dispute and § 87(2)(b) alleged to the officers that his nephews, § 87(2)(b) and § 87(2)(b) had thrown a brick through his car window. As the officers attempted to resolve the situation, § 87(2)(b) became upset and left the apartment.

PO Gheith did not recall how much interaction he had with § 87(2)(b) prior to his departure or how much he talked with the other individuals in the apartment. PO Gheith did not recall stating anything to the effect of, “I wish I was 17 so I could beat you up” to the brothers. When PO Gheith and the other officers felt the situation had been resolved they left the apartment. As the officers were on the stairway landing outside of the apartment’s front door, § 87(2)(b) was coming back up the stairs and began to scream profanities at the officers. PO Gheith did not recall what § 87(2)(b) stated at the time, but the officers told him to calm down. § 87(2)(b) walked past the officers and went into the threshold of the apartment’s doorway. § 87(2)(b) kicked the front door twice on the outside face of the door as it was opened into the apartment’s hallway and punched the wall inside the apartment. PO Gheith told § 87(2)(b) to calm down to which § 87(2)(b) replied, “Fuck off, Go fuck yourself.” § 87(2)(b) then pushed an officer, whom PO Gheith did not recall the identity of, who was standing near the front door from inside the threshold of the apartment’s doorway. § 87(2)(b) then went back into the apartment where he began to curse at his uncle. PO Gheith and the three other officers went back into the apartment, as they felt that § 87(2)(b) was threatening § 87(2)(b) who had earlier stated that he felt victimized.

In the living room, PO Gheith and the other three officers attempted to place § 87(2)(b) under arrest, but § 87(2)(b) was swinging his arms. The officers ordered him to place his arms behind his back. PO Gheith did not recall the first officer to attempt to physically control § 87(2)(b). During their struggle, § 87(2)(b) fell back and ended up face up on the couch. As PO Gheith attempted to grab one of § 87(2)(b)s arms in order to turn him over to place him in handcuffs, § 87(2)(b) grabbed PO Gheith’s hand and tried to twist it off his arm. This caused PO Gheith to sustain a wrist injury. PO Gheith did not recall which of § 87(2)(b)s hand he attempted to grab but knew that an officer, whose identity he did not recall, also assisted at this point. PO Gheith and the other officer eventually turned § 87(2)(b) over and PO Gheith placed him in handcuffs.

While the officers attempted to place § 87(2)(b) in handcuffs, § 87(2)(b) came up to them and tried to stop them from doing so. § 87(2)(b) interfered by pushing an officer and was also subsequently arrested for trying to interfere. PO Gheith did not recall who § 87(2)(b) attempted to push and which officer went to arrest him. PO Gheith did not recall the manner in which § 87(2)(b) was placed into handcuffs, but vaguely recollected that he was standing at the time. PO Gheith also did not recall if § 87(2)(b) was placed against the wall while being placed in handcuffs.

Once the two brothers were placed into handcuffs, they were escorted out of the apartment, downstairs and outside. PO Gheith did not recall who escorted which brother and did not recall anything significant about bringing them out. PO Gheith did recall that the boys were cursing at the officers and that the officers did not respond or say anything back to them.

Once outside of the apartment building, the two brothers were placed into different patrol cars. PO Gheith did not recall which brother was placed into which patrol car or if the windows on the patrol cars were open at the time. PO Gheith and the other officers were then met by Sgt. Ryan, who verified the arrest and signed PO Gheith's memo book at 8:20PM. The patrol cars were located next to where the officers were standing. PO Gheith did not recall either of the brothers asking the officers for their names or shield numbers. An ambulance then arrived for PO Gheith and took him to § 87(2)(b) where he was treated for a sprained wrist. PO Gheith returned from the hospital to the precinct at 10:30 PM where he was put on leave for a line of duty injury.

PO Frank Cinolauro was interviewed at the CCRB on March 25, 2009. PO Cinolauro is a § 87(2)(b)-year-old, 5' 1" tall, 195-pound white male with brown hair and hazel eyes. On December 20, 2008, PO Cinolauro worked from 3:00 PM to 11:35 PM. He was assigned to patrol sectors E and H, and was partnered with PO Gheith. PO Cinolauro was dressed in uniform and assigned a marked patrol car, number 2187. Memo book entries regarding this incident are as follows: 1940- Family dispute at § 87(2)(b) § 87(2)(b) Responded to family dispute between two nephews and uncle. Uncle stated that nephew broke his car windshield but did not want to press charges. One nephew started to act violent and disorderly. In attempt to calm the male down, male started to push and swing at officers. PO Gheith and PO Zaman and PO Davis attempted to handcuff the male, when he grabbed and twisted PO Gheith's hand causing injury to his wrist. Then the brother of the male attempted to stop the officers from handcuffing male, so I then handcuffed him with a brief struggle.

PO Cinolauro's statement regarding their reason for being at the location was also consistent with the above statements. § 87(2)(b) and § 87(2)(b) let the officers into the apartment where they observed § 87(2)(b) and a younger male.

The officers talked with § 87(2)(b) and the brothers and PO Gheith did most of the interaction with § 87(2)(b). PO Cinolauro did not recall hearing PO Gheith say anything to the effect of, "I wish I was 17, so I could beat you up" to the brothers. PO Cinolauro initially recalled that the substance of the complaint was that the two eldest brothers had been arguing with § 87(2)(b) and threatening him. However, upon further questioning, PO Cinolauro recalled that the eldest brother, § 87(2)(b) had allegedly broken the window on § 87(2)(b)'s car. Within five to ten minutes, § 87(2)(b) began to become disorderly, began to yell profanities at § 87(2)(b). He also started swinging his arms and advancing towards the officers and § 87(2)(b). In response, PO Gheith and PO Zaman moved to place § 87(2)(b) in handcuffs. Upon further questioning, PO Cinolauro recalled that sometime during these five to ten minutes, § 87(2)(b) had left the apartment while the officers were conducting their investigation. The officers had concluded their inquiries and were set to leave. As they were leaving the apartment, § 87(2)(b) was outside in the hallway, and went back into the apartment leaving the door open. The officers heard yelling inside the apartment and one of the brothers screaming at § 87(2)(b). § 87(2)(b) then told the officers to come back in.

PO Cinolauro recalled that § 87(2)(b) was standing near a coffee table and a couch when PO Zaman and PO Gheith went to handcuff him. § 87(2)(b) was swinging his arms and non-compliant being placed in handcuffs. PO Cinolauro did not recall if verbal orders were given to § 87(2)(b) but recalled that § 87(2)(b) began to back up and fell onto the couch. During this time, he grabbed PO Gheith's wrist and twisted it. PO Davis then came to assist. PO Cinolauro did not observe much of how § 87(2)(b) was placed in handcuffs as he was dealing with § 87(2)(b) who became aggressive. PO Cinolauro also did not observe any of the officers push § 87(2)(b) before placing him into handcuffs.

While § 87(2)(b) was being placed in handcuffs, § 87(2)(b) who was standing about five feet from PO Cinolauro, began to yell: "What are you doing? Stop; don't do that," in reference to his brother's arrest. § 87(2)(b) became aggressive towards PO Cinolauro, spitting at PO Cinolauro and raising his clenched fist above his shoulders. PO Cinolauro grabbed § 87(2)(b)'s left wrist and placed a handcuff onto it. He then turned § 87(2)(b) around and pushed him against a wall. PO Cinolauro described the push as low impact and § 87(2)(b) did not give any indications that this push against the wall caused him any injury. PO Cinolauro then attempted to bring § 87(2)(b)'s right arm to his back, but needed assistance by PO Zaman, who had finished handcuffing § 87(2)(b) and came to assist PO Cinolauro.

Once § 87(2) and § 87(2)(b) were placed in handcuffs, the officers escorted them downstairs. PO Cinolauro recalled that he escorted § 87(2)(b) downstairs, but did not recall who escorted § 87(2)(b) or if anyone helped him to escort § 87(2)(b). PO Cinolauro did not recall if he was holding § 87(2)(b) or letting him walk on his own. PO Cinolauro did not recall any one of the males almost tripping on the stairs. Once they were outside, the officers and the brothers stood outside on the sidewalk near the two patrol cars while Sgt. Edward Ryan, the patrol supervisor, arrived and verified the arrest. Also, within a couple of minutes, an ambulance arrived on scene and transported PO Gheith to the hospital. The brothers were then placed into the patrol cars and driven to the precinct. PO Cinolauro did not recall the boys requesting the names or shields of any of the officers while they were outside.

At the precinct, the brothers were brought before the front desk. PO Cinolauro could not recall who was assigned to the desk. He was shown a copy of the roll call, which listed Sgt. Maureen Keag, but it did not elicit further recollection. PO Cinolauro also did not recall any interaction between the desk officer and the brothers. One of the other officers involved in the arrest asked the brothers for their pedigree information. PO Cinolauro did not recall the brothers talking with PO Zaman at this time, specifically where PO Zaman said to them, "I should have burned you and put a bullet through you guys." PO Cinolauro also did not recall at any time during the interaction where any discourtesy was spoken by the officer to the brothers or where they were asked to provide their names and shields.

Sgt. Edward Ryan was interviewed at the CCRB on March 19, 2009. On December 20, 2008, Sgt. Ryan worked a tour of duty from 2:50 PM to 11:47 PM as the patrol supervisor. He was partnered with PO Caches and was in uniform. Sgt. Ryan was assigned a marked patrol car, number 1975. Sgt. Ryan did not have any memo book entries regarding this incident.

Sgt. Edward Ryan did not have a recollection of this incident. When provided with the basic facts of the incident, that an arrest was made of two teenagers for a family dispute, Sgt. Ryan did not have any increased recollection of the events. Sgt. Ryan did not recall after being informed that the same officers who made the arrest had previously visited that residence for a service call prior to where the situation was a domestic unfounded and a report was prepared. Sgt. Ryan did not recognize the photos of § 87(2) or § 87(2)(b). Sgt. Ryan examined the NYPD Online Booking Inquiry System (OLBS), which indicated § 87(2)(b) was charged, but did not recall any further details. Sgt. Ryan did not recall one of his subordinate officers being transported to the hospital for injury as a result of this incident. It was noted to Sgt. Ryan that the OLBS had him listed as a supervisor on scene and the command log had him listed as verifying the arrest. Sgt. Ryan stated that if it was listed in the OLBS, then he should have been on scene, and if the command log had him verifying the arrest then he should have physically visited and determined the legitimacy of arrest. Sgt. Ryan still did not recall the incident and had no memo book entries during this time that had him located elsewhere.

Sgt. Maureen Keag was interviewed at the CCRB on March 30, 2009. On December 20, 2008, Sgt. Keag worked a tour of duty from 2:50 PM to 11:47 PM as the 68th Precinct stationhouse desk officer. She did not have an assigned partner and was in uniform. Sgt. Keag did not have any memo book entries regarding this incident.

On December 20, 2008, at about 8:30 PM, Sgt. Keag was working at the front desk in the 68th Precinct stationhouse when she processed the arrest of two males, identified as § 87(2) and § 87(2)(b) via investigation. Sgt. Keag recalled that when the boys were brought in and processed they were asked to fill out the standard arrest paperwork. Sgt. Keag recalled that PO Zaman and PO Davis were present, but did not recall any other officers. She recalled that PO Gheith was injured during the incident for which § 87(2) and § 87(2)(b) were arrested, and believed he was at the hospital. Sgt. Keag did not recall if PO

Cinolauro was at the precinct or at the hospital with his partner. Sgt. Keag did not recall anything significant about the interaction. She stated that the two boys were cursing at the officers and upset they were arrested, but also stated that was normal behavior for most arrestees. Sgt. Keag recalled that the boys were being generally loud and disruptive, and acting in an obnoxious manner, refusing to provide the information to process their arrest. At one point, Sgt. Keag recalled that an officer told them to be quiet but did not recall if it was her or one of the other officers. During their interaction she did not state to the boys, “shut the fuck up,” and did not hear PO Zaman or PO Davis say to the effect, “I should have burned you and put a bullet through you guys.” Sgt. Keag state that she generally does not interact with those arrested and processed, and only recalled ordering them to be placed into the holding cells in the precinct stationhouse.

Officer Derek Sambolin from the 73rd Precinct was interviewed at the CCRB on July 7, 2009. On December 21, 2009, Officer Sambolin was assigned to the Brooklyn Court Section (Central Booking). Officer Sambolin did not recall exactly where he was stationed and noted that he could have been in the court or in the staging area or intake area. He explained that part of his responsibility entailed watching the prisoners until their arraignment. Officer Sambolin explained that it was like an office setting so he did not have a set partner. He noted that there were approximately five officers in the basement where he most likely would have been working. Officer Sambolin was in uniform. He does not keep a memo book at the Court Section so he did not have any entries in his memo book for the incident date.

Officer Sambolin was shown the arrest photo of § 87(2)(b) and his brother § 87(2)(b) but he did not recognize any of the individuals. Officer Sambolin did not have a specific recollection of this incident. Regarding the refusal to provide name and shield allegation, Officer Sambolin explained that his name clearly appears on his shield and he usually provides his information upon request. Officer Sambolin also noted that it is common for prisoners to request medical treatment and they are usually attended to, but he did not specifically recall this incident of § 87(2)(b) requesting medical treatment. Officer Sambolin did not recall telling anyone that his name was “Officer Bobo” and he did not recall any other officers stating such to anyone. Officer Sambolin is unaware of any officer at Central Booking by the name of “Bobo.” Officer Sambolin did not recall a case of an ambulance coming to pick up any individual at any point on that day. He also did not recall having to instruct any individual to stop using the phone inside the cell. He did not bang the handset against the receiver of the phone and he did not recall grabbing and shaking any individual for using the phone.

Officer Sambolin reiterated that he did not recall anything regarding this incident. He also noted that it is common for brothers to be arrested and let go, so this case did not stand out in his mind.

Officers not interviewed

PO Fernando Caches was not interviewed during the investigation. PO Caches was assigned as the driver for Sgt. Edward Ryan during the tour of duty. During the time at which Sgt. Ryan and PO Caches were on scene, there is no indication by the complainants or the other officers present that PO Caches would have been witness to any of the allegations.

Medical Records

§ 87(2)(b) and § 87(2)(b) were seen at § 87(2)(b) on § 87(2)(b). § 87(2)(b) complained of a shoulder injury and closed head injury. X-rays were negative for dislocation or fracture. He was prescribed 800 mg of Motrin pain reliever for his pain. § 87(2)(b) complained of wrist pain and an x-ray revealed a possible chip fracture. § 87(2)(b) was prescribed 800 mg of Motrin pain reliever for his pain.

Police Documents

Sprint number § 87(2)(b) is for two separate incidents, with the second incident considered a duplicate of the first due to the nature, location and persons involved in the call out. It showed that the 68th Precinct sector D responded at 6:32 PM on December 20, 2008 and classified the call out as a family dispute. Sector D went back on patrol at 7:17 PM. The second incident's SPRINT noted that the 911 call requesting police presence was made at 7:36 PM. The 68th Precinct sectors D and E responded to the location regarding a family dispute. It noted that the patrol supervisor was requested at 8:12 PM as well as EMS at 8:13 PM in response to a member of service being injured while trying to stop a fight in between family members.

The Sprint Index for December 21, 2008 did not reveal any calls made to 911 from Central Bookings in Brooklyn.

The roll call for the 68th Precinct's tour 3 on December 20, 2008 indicated that Sgt. Maureen Keag was on duty at the desk, Sgt. Edward Ryan was assigned as the patrol supervisor for the tour, PO Theus Davis and PO Qamar Zaman were assigned to patrol sector D, and PO Hassan Gheith and PO Frank Cinolauro were assigned to patrol sector E.

The 68th Precinct's command log for December 20, 2008 noted that § 87(2)(b) and § 87(2)(b) were arrested and logged at 8:30 PM.

The complaint and arrest reports note that the arrests of § 87(2)(b) (Arrest # § 87(2)(b) and § 87(2)(b) (Arrest # § 87(2)(b) took place on December 20, 2008 with an occurrence time of 7:36 PM by sector E. The arresting officer is PO Qamar Zaman. As per both reports, officers responded to a family dispute. "§ 87(2)(a) 160.50

The prisoner holding pen roster revealed that § 87(2)(b) and § 87(2)(b) were removed to § 87(2)(b) at 12:24 AM and Brooklyn Central Booking at 3:00 AM on December 21, 2008.

Subject Officer CCRB History

PO Qamar Zaman has been a member of the NYPD for two years § 87(4-b) § 87(2)(g)

PO Theus Davis, PO Hassan Gheith, and PO Cinolauro have been members of the NYPD for three year and they have not been the subjects of any substantiated CCRB allegation.

Sgt. Maureen Keag has been a member of the NYPD for nine years and has never had a complaint substantiated against her.

Complainant CCRB History

This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b)

Disposition of Criminal Proceedings

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Complainant Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Subject Officer Identification

§ 87(2)(b) and § 87(2)(b) alleged that PO Zaman was discourteous towards them § 87(2)(g) § 87(2)(b) who was present while § 87(2)(b) was being handcuffed, identified the officer who allegedly punched § 87(2)(b) as PO Zaman. § 87(2)(g) § 87(2)(b) alleged that PO Zaman hit his head against the wall as he was placed in handcuffs. § 87(2)(g) § 87(2)(b) alleged that PO Zaman retightened his handcuffs on the stairwell while he was being led downstairs. § 87(2)(g) § 87(2)(b) alleged that he requested the names of the officers as they stood in front of the building while he was sat in the back of the patrol vehicle. § 87(2)(g) Both § 87(2)(b) and § 87(2)(b) alleged that a female desk officer, identified through the roll call as Sgt. Keag, was discourteous to them. § 87(2)(g) § 87(2)(b) described the officer he encountered at Central Booking as a 5' 7" tall, 200-220-pound Hispanic male with short black hair, with two birthmarks on the face. The officer allegedly told him that his name was "Bobo." A photo array of officers working during the timeframe of the stated allegation was conducted. § 87(2)(b) identified PO Sambolin as having the closest resemblance to the officer he encountered. The photo also depicts two birthmarks on the face and the rest of his features matched the description provided by § 87(2)(b) § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) alleged that in addition to PO Zaman, PO Davis and PO Gheith also used words to the effect of "fuck this" while speaking with § 87(2)(b) while § 87(2)(b) alleged that PO Davis told § 87(2)(b) to "shut the fuck up" twice. § 87(2)(b) alleged that PO Zaman was discourteous towards him but did not make any discourtesy allegations against PO Davis and PO Gheith. § 87(2)(g)

Also, § 87(2)(b) noted that he requested PO Zaman's name from him while they were on their way downstairs. However, he acknowledged that he already obtained PO Zaman's name when PO Zaman responded to the location earlier. § 87(2)(g)

Undisputed Facts

It is undisputed that all four officers were at the § 87(2)(b)'s residence in response to a 911 call made by § 87(2)(b). It is undisputed that physical force was used to effect § 87(2)(b)'s arrest. It is also undisputed that both § 87(2)(b) and § 87(2)(b) were eventually arrested.

Disputed Facts

§ 87(2)(g)

Assessment of the Evidence

Regarding allegation A, all four men alleged that the officers were discourteous while speaking to § 87(2)(b) and § 87(2)(b) § 87(2)(g)

§ 87(2)(g) While § 87(2)(b) alleged that PO Zaman referred to him as a crying “pussy,” § 87(2)(b) alleged that PO Zaman also called him a pussy and a scumbag. § 87(2)(b) also added that PO Zaman told § 87(2)(b) to stop being a “wise ass” and referred to him as “stupid” and “retarded.” § 87(2)(b) alleged that the officers used words like “fuck this” while speaking with § 87(2)(b) § 87(2)(g)

However, all of the officers denied using any form of profanity while interacting with § 87(2)(b) and § 87(2)(b) § 87(2)(g)

Regarding allegation B, § 87(2)(b) who was positioned face-down and unable to view the officers as he was being handcuffed, noted that he felt at least three blows to his side. § 87(2)(b) corroborated this claim and further specified that PO Zaman punched § 87(2)(b) twice on his side as the officers tried to grab his hand. However, § 87(2)(b) who corroborated the fact that the officers pushed § 87(2)(b) on the couch right before he was placed in handcuffs, did not corroborate the claim that § 87(2)(b) was punched. Also, § 87(2)(b) who also acknowledged that § 87(2)(b) was pushed before he was handcuffed, contradicted the claim that PO Zaman punched § 87(2)(b) while he was being handcuffed. § 87(2)(g)

PO Zaman, who acknowledged that he went to assist PO Gheith and PO Davis in handcuffing § 87(2)(b) who, according to the officers, was resisting being placed in handcuffs, denied punching § 87(2)(b) at any point. § 87(2)(g)

Regarding allegation C, § 87(2)(b) alleged that PO Zaman slammed his head against a wall after he turned him around to place him in handcuffs. Both § 87(2)(b) and § 87(2)(b) did not corroborate this fact and PO Zaman denied this allegation as well. § 87(2)(g)

Regarding allegation D, § 87(2)(b) alleged that while he was being escorted downstairs, PO Zaman retightened his handcuffs after he told PO Zaman that PO Zaman was going to lose his job. However, PO Zaman denied this allegation. § 87(2)(g)

Regarding allegation E, § 87(2)(b) stated that while he was sitting inside the patrol vehicle, he was yelling and screaming, questioning the reason for his arrest and also requesting the names of the officers. § 87(2)(b) noted that the windows to the patrol vehicle were up and the vehicle was parked approximately three car spaces from the front of the building at which the officers were standing. § 87(2)(b) asserted that as he was screaming and questioning the officers for his arrest and their information, PO Davis walked over and told him to shut up. § 87(2)(g)

Regarding allegation F, both § 87(2)(b) and § 87(2)(b) corroborated the fact that Sgt. Keag told them to “shut the fuck up” when they continued to question the reason for their arrest. Although Sgt.

Keag denied using profanity and all the other officers present noted that they did not hear her use any form of profanity, they all acknowledged the need to affirmatively calm the boys down while at the front desk. PO Davis stated that § 87(2)(b) and § 87(2)(b) yelled at Sgt. Keag when they were brought before the front desk, and in response, Sgt. Keag told them to be quiet and not to yell at her. PO Davis added that he and PO Zaman also had to reinforce Sgt. Keag's instruction for the boys to be quiet. Sgt. Keag also noted that § 87(2)(b) and § 87(2)(b) were cursing at the officers and upset because they were arrested. She also stated that they were "loud, disruptive, and acting in an obnoxious manner" while refusing to provide their information for the arrest processing. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Regarding allegations G through I, § 87(2)(b) explained that after § 87(2)(b) was released from Central Booking in Brooklyn, he questioned the officers about the status of his arrest. § 87(2)(b) requested PO Sambolin's name and PO Sambolin allegedly responded that his name was "Officer Bobo." Also, PO Sambolin allegedly called § 87(2)(b) "pussy" and refused to provide medical treatment for him after he requested this multiple times. § 87(2)(b) noted after one of his requests, PO Sambolin informed him that he could either see the doctor or the judge. PO Sambolin asked him if he was ready to see a judge and § 87(2)(b) agreed because he wanted to get the process over with. However, he was then placed in another holding cell at which time he continued to feel sick and again requested to be taken to the hospital. However, PO Sambolin told § 87(2)(b) that he does not speak English and that he needed to "shut up." Although § 87(2)(b) noted that he called 911 from the payphone inside the holding cell and that an ambulance responded and transported him to the hospital, there was Sprint report for any ambulance request calls made from that location during the timeframe of the incident. However, as the IAB log (encl.) which documented § 87(2)(b)'s call from Central Booking notes, § 87(2)(b)'s stated that the officer refused to provide his name and that he was being denied medical treatment. PO Sambolin did not have any recollection of this incident. He noted that he deals with many arrestees everyday and was unable to specifically recall any interaction with § 87(2)(b). § 87(2)(b)'s arrest photo was presented to him, but PO Sambolin remained oblivious to the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman spoke obscenely to § 87(2)(b) and § 87(2)(b)

Allegation D: On December 20, 2008, in the stairwell of § 87(2)(b) in Brooklyn, Officer Qamar Zaman tightly handcuffed § 87(2)(b)

Allegation G: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin refused to provide his name and/or shield number to § 87(2)(b)

Allegation H: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin spoke obscenely and/or rudely to § 87(2)(b)

Allegation I: On December 21, 2008, at Brooklyn Central Booking, Officer Derek Sambolin spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman used physical force against § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Section 203-11 of the NYPD Patrol Guide states, "Only that amount of force necessary to overcome resistance will be used to

effect an arrest. . .” (encl.). § 87(2)(g)

Allegation C: On December 20, 2008, in § 87(2)(b) in Brooklyn, Officer Qamar Zaman hit § 87(2)(b) s head against a wall.

§ 87(2)(g)

Allegation E: On December 20, 2008, officers refused to provide their names and/or shield numbers to § 87(2)(b)

§ 87(2)(g)

Allegation F: On December 20, 2008, at the 68th Precinct stationhouse, Sgt. Maureen Keag spoke obscenely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Investigator: Josephine Ogboye

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: